

107 PM

Meredith, Maureen

From: Ruth [REDACTED]
Sent: Tuesday, August 19, 2008 2:49 PM
To: Meredith, Maureen
Subject: Zoning of Waters Property

Ms Meredith,
On Thursday, August 21, 2008 the City Council will be addressing agenda item 70 concerning the re-zoning of the the Waters property in Oak Hill

A crucial zoning point is the SF6 spot zoning. The city recommendation is of SF1. I am concerned about increased traffic, safety and set back concerns to be addressed in the plating and site plan. The SF6 does not allow input from its neighbors. The development of this site directly effects the area around this acreage.

There is also a flag lot being used by the Waters and one other family. This is only 40 feet wide and lies between four other homes and two subdivisions. The flag lot should not be allowed to be developed into a road. If the Waters are not willing to sell this flag lot to neighboring homes, it should be plated as a green belt.

This SF6 development will also present a safety issue for The Estates of Shadowridge. We have approximately 60 children living in the neighborhood. This does not include children who are visiting and playing at these homes. There is only one entrance/exit to our neighborhood. The neighborhood was not designed to by a collector street.

I also have environmental concerns. The Waters' property is in the Barton Springs Recharge zone. Dense development of the Waters' tract will directly effect the residents who are downhill from the Waters. It could possibly cause additional water runoff and flooding of these properties. Homeowners whose land abuts the Waters property are already dealing with high water in their back yards when we have heavy rains.

Additionally, I am concerned about the Oak Hill Planning Contact Team. Mrs. Waters was a member and proposed her own zoning to the other members of this group. Other property owners were not given the same opportunity. The OHPCT did not ask for public input and we did not always receive advance notice of their meetings. The same group recommended SF1 for the other lots in the neighborhood.

Part of the Planning Commission decision was based on Mrs. Waters being a long-term landowner. She moved onto her property in 1995. Our subdivision was plated in 1988 and roads were cut built in 1996. Therefore, we are in similar positions. The development of The Estates of Shadowridge was not a surprise to Ms. Waters. She bought her property knowing that she would be surrounded by single family housing on a minimum of 1/2 acre lots.

The zoning of SF1 will be in compliance with other homes in the area and increase, not decrease our property values. The SF1 will also maintain the tax base in our neighborhood for future city planning.

I am confident that you will reconsider SF1 zoning in the Waters zoning request. The reason we have zoning is to protect the majority of the homeowners.

Thank you for listening to my concerns. I know that you will give them an honest and open-minded review.

Ruth Felger
The Estates of Shadowridge

8/25/2008

Ray N. Donley and Aileen M. Hooks
8015 Dark Valley Cove
Austin, TX 78737
(512) 301-3231 - Home
(512) 657-6583 - Cell


August 19, 2008

VIA FACSIMILE TO 974-3212
and EMAIL TO lee.leffingwell@ci.austin.tx.us
Austin City Councilmember Lee Leffingwell

VIA FACSIMILE TO 974-1884
and EMAIL TO brewster.mccracken@ci.austin.tx.us
Austin City Councilmember Brewster McCracken

VIA FACSIMILE TO 974-1888
and EMAIL TO randi.shade@ci.austin.tx.us
Austin City Councilmember Randi Shade

VIA FACSIMILE TO 974-1886
and EMAIL TO laura.morrison@ci.austin.tx.us
Austin City Councilmember Laura Morrison

VIA FACSIMILE TO 974-1890
and EMAIL TO sheryl.cole@ci.austin.tx.us
Austin City Councilmember Sheryl Cole

In Re: Oak Hill Combined Neighborhood Plan, West Oak Hill Contested Tracts: **6800 Waters Way**

Dear Councilmembers:

My wife, Aileen Hooks, and I own 8015 Dark Valley Cove, TCAD#510978. Ron and Jackie Waters, who own the above-referenced property, are our neighbors. It is our understanding that the City Council will meet this Thursday, August 21 regarding proposed zoning for the above-referenced property, as well as our property. I have already sent you a letter regarding the proposed zoning for our property

Austin City Council
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The purpose of this letter is to support the zoning recommendation for the Waters' property made by the Planning Contact Team and by the Waters. It is my understanding that the Planning Commission approved the SF6-CO zoning on July 8, 2008. We object to and ask the City Council **not** to accept the recommendations for the above-referenced property proposed by our neighbors in the Shadow Ridge and Loma Vista subdivisions.

Thank you for your consideration. Please feel free to call me with any questions.

Yours very truly,

Ray N. Donley

RD/ch

Loayza # 107 PH
Pg 1 of 5

Meredith, Maureen

From: Loayza, Katherine [REDACTED]
Sent: Tuesday, August 12, 2008 11 25 AM
To: Meredith, Maureen, Guernsey, Greg
Cc: Lynn and Martin Leifker
Subject: West Oak Hill Neighborhood Plan/Rezoning
Attachments: Leifker property exhibits pdf

Maureen/Greg,

My clients, Lynn and Martin Leifker, are out of town this week, but I wanted to make sure that you still have for your records their opposition to the Waters tract rezoning to SF-6. The Leifker's are not opposed to the SF-1 zoning recommended by staff. However, because of their unique situation with a private access easement on their property for the benefit of the Waters and the Donley/Hooks tracts, they request that staff add a conditional overlay to the rezoning. No other property in the West Oak Hill area has this unique encumbrance on their lot.

Suggested language being " prohibit access through Lot 10, Block B of the amended plat of Shadowridge Crossing Section 9, (their lot) recorded in Vol 102, page 271-272, should the Waters or the Donley/Hooks properties be subdivided into more than one lot, or

if the Waters tract, is zoned SF-6 and no subdivision is required, then apply a conditional overlay that states if the property is developed for more than one residential dwelling, then access is prohibited thru Lot 10, Block B and also reference the Donley/Hooks tract prohibiting access through Lot 10 if developed/subdivided into more than one residential dwelling

The need for the overlay is that Ms Waters has indicated her intent to use this private access easement for future development on her property. I can't imagine the City would allow this to occur, but in any event, it would be extremely helpful and give the Leifker's peace of mind, if the zoning of these properties clearly prohibited use of the access easement for more than the intended use of one residential dwelling per lot on the Waters and Donley/Hooks tracts

I am attaching some exhibits that the Leifker's prepared in anticipation of speaking at last weeks public hearing that should help describe the situation, and a cover letter from the Leifker's which indicates their concerns

I appreciate your assistance in considering this conditional overlay. Please let me know if you need any additional information

<<Leifker property exhibits pdf>>

Katherine P Loayza
Land Use Consultant
Jackson Walker L L P
100 Congress Avenue, Suite 1100
Austin, Texas 78701
(512) 236-2259
(512) 691-4412 (fax)
mailto:[REDACTED]

Council Member

RE: Council Agenda Items 86 & 87, Tract L (The Waters Tract)

Council Member,

We have a private access easement through our property (6733 Hot Springs Drive) dating back about 60 years. Although the two households it serves (Waters and Donley/Hooks) are no longer land-locked and now have public right-of-way access through other parts of their properties, we have not sued to have them vacate the private easement because of the legal expense involved.

The private easement is written to support only the two households. Mrs. Waters told us that a condo development she wants to build on her property would have one owner (the HOA), and therefore would count as one household and would be eligible to send its traffic through the private easement on our land. Her attorney, Jeff Howard, conservatively estimates that a 30-unit condo development would mean an additional 300 or more daily car trips. We do not want this traffic going through our property for the following reasons:

- 1) the noise and pollution of 300 additional cars passing parallel to our backyard fence and 10 feet from our master bedroom;
- 2) the risk to our children's and our safety if someone crashes through our fence or into our house or yard;
- 3) our exposure to personal liability if someone has a wreck on our property;
- 4) our exposure to repair expenses if the increased traffic damages the concrete driveway.

We request that the Waters be given a conditional overlay to their zoning that will prohibit access from a development through our easement.

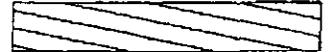
Thank you for your consideration.

Martin and Lynn Leifker
6733 Hot Springs Drive
Austin, TX 78749

P.S. Please see the attached visual aids showing our home and the Waters tract.

LEGEND

- WOOD FENCE
- A/C UNIT
- ELECTRIC BOX
- GAS METER
- WATER METER
- TELE. PED.
- C.A.T.V. PED.
- CONC. ELEC. M/W
- ELEC. METER
- IRON ROD FND.
- IRON ROD SET
- "X" SET



ACCESS EASEMENT

SURVEYOR'S NOTES

() DENOTES RECORD INFORMATION

ESMT. RESEARCH PERFORMED BY ALL POINTS AND THE UNDERSIGNED SURVEYOR WAS LIMITED TO INFORMATION SUPPLIED BY STEWART TITLE GUARANTY CO. PER COMMITMENT G.F.# 7110140, SCHEDULE "B", PARAGRAPH 10.

ACCORDING TO STEWART TITLE GUARANTY CO.'S TITLE COMMITMENT LOT 10 IS SUBJECT TO BUILDING LINES, ESMT. RIGHTS AND RESTRICTIONS AS STATED IN VOL. 12804, PG. 27; VOL. 13031, PG. 1678, VOL. 102, PG. 271-272 VOL. 86, PG. 118-118.

A PORTION OF THE 30' ACCESS ESMT. IN VOL. 1892, PG. 119; VOL. 3431, PG. 2133; VOL. 12804, PG. 17, AND FURTHER MODIFIED BY DOC.# 200311600, 2003080774, AND 2004082880, AND PARTIALLY WACHTED IN SAID DOC.# 2001187090.

LOT 10 IS SUBJECT TO AN ESMT. UPON, ACROSS, OVER AND UNDER ALL OF THE PROPERTY FOR INGRESS AND EGRESS IN CONNECTION WITH INSTALLING, REPLACING, REPAIRING AND MAINTAINING ALL UTILITIES, INCLUDING BUT NOT LIMITED TO, WATER, GAS, TELEPHONES, ELECTRICITY, AND APPURTENANCES THERETO AS DESCRIBED IN RESTRICTIONS OF RECORD IN VOL. 13031, PG. 1678.

LOT 10 IS SUBJECT TO A INSTALLATION AND MAINTENANCE ESMT. AS STATED ON THE RECORDED PLAT.

LOT 10 IS SUBJECT TO THE ESMT. RIGHTS AS STATED IN DOC.# 1999021163.

ALL POINTS DOES NOT MAKE OR WARRANT ANY FLOOD ZONE DETERMINATION.

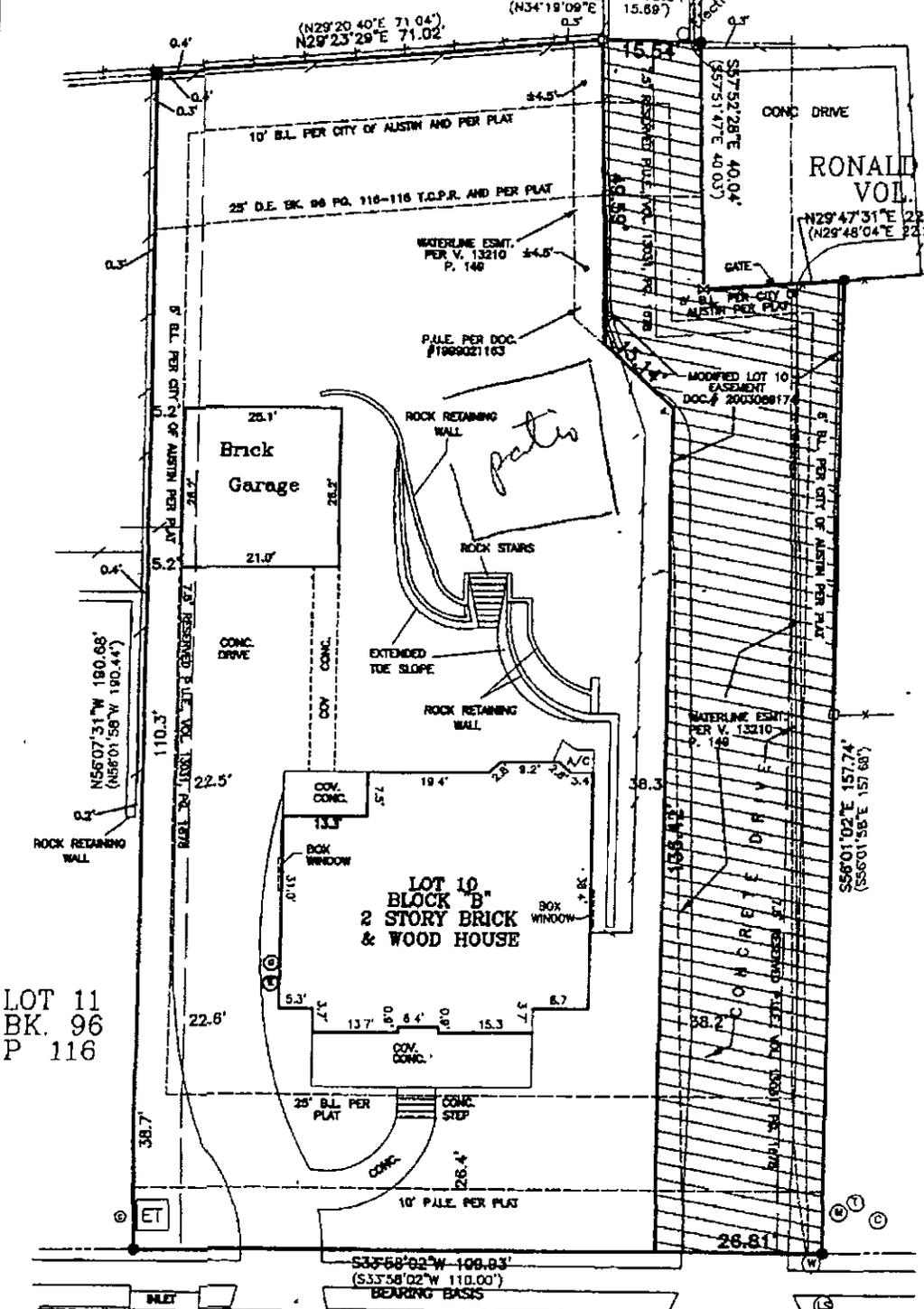
LEDGER
L1267
FILE NUMBER



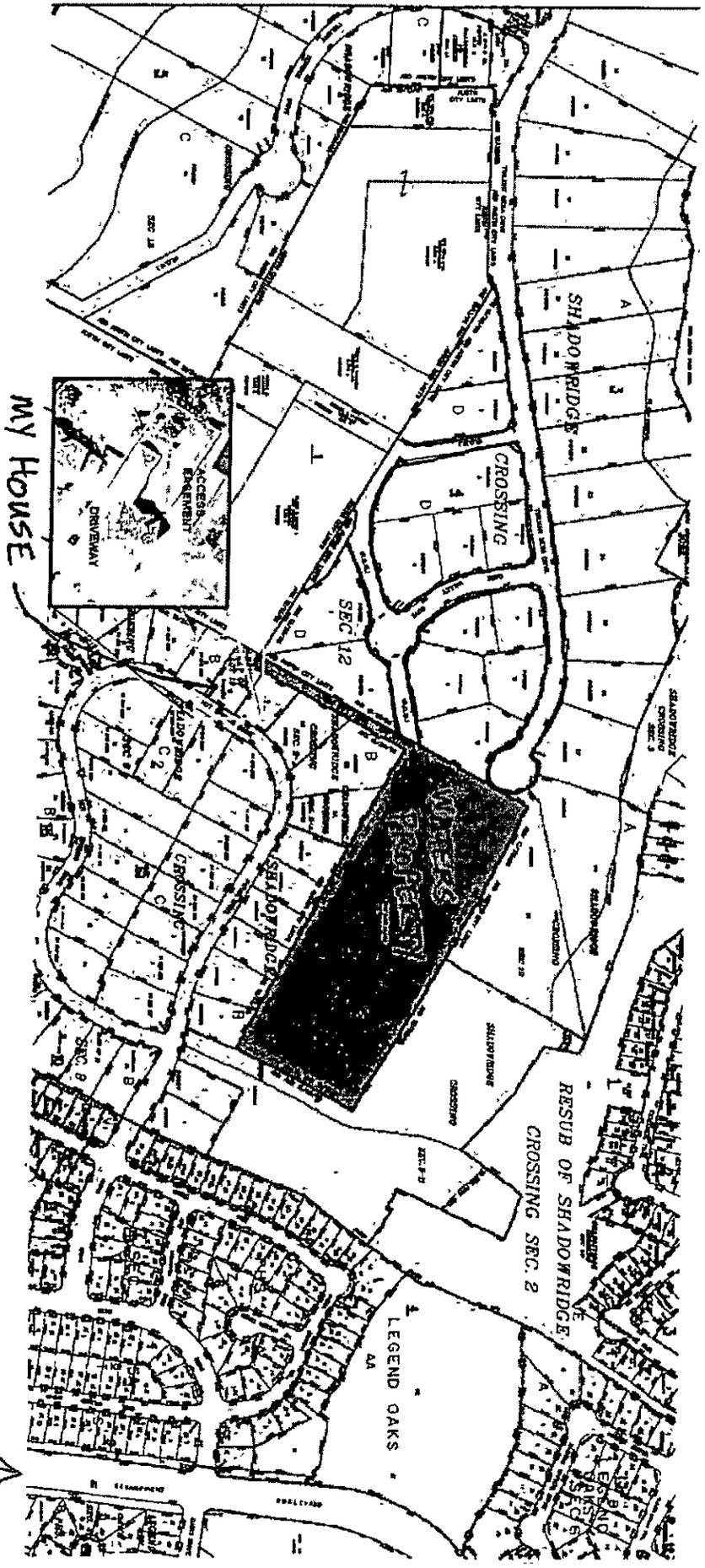
AILEEN M HOOKS &
ROY N. DONLEY
VOL. 12604 PG 984

MTV INVESTMENTS, L.P.
V 11835 P 888
(PROPOSED SHADOWRIDGE
CROSSING SECTION 12)

RONALD S. & J. B. WATERS
VOL. 12534 PG. 3404



FM 1826
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Escarpment
Blvd
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William
Cannon
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